

ROBERT MOE,
Complainant,
vs-
OFFICERS OF AFSCME, Local #1906,
Respondents.

* * * * *

Dated this 14th day of April, 1977.

BY Brent Cromley
Brent Cromley
Chairman

Trenna Scoffield
Trenna Scoffield

BEFORE THE BOARD OF PERSONNEL APPEALS

IN THE MATTER OF ULP #18 (1976)

ROBERT MOE,

Complainant,

vs.

OFFICERS OF AFSCME
LOCAL #1906,

Respondents.

FINDING OF FACT,
CONCLUSION OF LAW,
AND RECOMMENDED ORDER.

Mr. Robert Moe, complainant, member of AFSCME Local #1906, filed with the Board of Personnel Appeals an unfair labor practice charge against Officers of AFSCME Local #1906 on July 7, 1976.

A hearing regarding the charge was held on August 10, 1976, conducted by Gaillard Rembert, who subsequently disqualified himself. Substituted as hearing examiner was Ms. Donna K. Davis, who makes the following finding of fact, conclusion of law, and recommended order.

FINDING OF FACT

Complainant and Respondents acknowledged that, before petitioning the board for relief, the complainant had not utilized the grievance procedure internal to the union to attempt to resolve the difficulties and problems which formed the basis of the complaint.

CONCLUSION OF LAW

Because the complainant has not yet exhausted the remedies available to him within the union as set forth in the Constitution of the American Federation of State, County and Municipal Employees, the Board of Personnel Appeals declines to assume jurisdiction in this matter.

RECOMMENDED ORDER

The unfair labor practice charge filed by Mr. Robert Moe is hereby dismissed without prejudice. Mr. Moe is directed to

1 carry his grievance through the appropriate channels within the
2 union structure. If, after such action is taken, the complainant
3 yet feels aggrieved, he may again petition this board for a
4 hearing.

5 CAVEAT

6 Testimony offered by Mr. John Verbanac, President of AFSCME
7 Local #1906, revealed that the procedures employed by the officers
8 of the local to conduct elections do not meet standards set by
9 law. Section 59-1603(4) states: "Certification as an exclusive
10 representative shall be extended or continued as the case may be
11 only to a labor or employee organization the written by-laws of
12 which provide for and guarantee the following rights and safe-
13 guards and whose practices conform to such rights and safeguards
14 as: provisions are made for democratic organization and proce-
15 dures; elections are conducted pursuant to adequate standards
16 and safeguards; controls are provided for the regulation of
17 officers and agents having fiduciary responsibility to the
18 organization;...." Because Complainant's charges did not encompass
19 the admitted flagrant abuse of the rights and safeguards guaranteed
20 by statute, the board did not rule on the matter. However, this
21 board is alarmed by such abuse and encourages the local to remedy
22 the situation immediately.

23 Dated August 18, 1976.

24 BOARD OF PERSONNEL APPEALS

25
26 BY Donna K. Davis
27 Donna K. Davis
28 Hearing Examiner
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